

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BERKLEY INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	Case No. 3:22-cv-00195
v.)	
)	Judge Eli J. Richardson
ROBERT KEVIN JONES,)	Magistrate Judge Alistair Newbern
)	
Defendant.)	

ENTRY OF DEFAULT

Pending is Plaintiff's Request Entry of Default against Defendant Robert Kevin Jones pursuant to Federal Rule of Civil Procedure 55(a). (Doc. No. 14). For the following reasons, the Plaintiff's Request is **GRANTED**.

On March 21, 2022, Plaintiff filed its Complaint against Defendant. (Doc. No. 1). On May 31, 2022, Plaintiff filed an Affidavit of Service executed by process server, JayKob McArter. (Doc. No. 11). McArter declares that he personally served Defendant with a copy of the Summons, Complaint, and related filings, on May 26, 2022. *Id.* Plaintiff filed the pending Motion for Entry of Default on June 22, 2022. (Doc. No. 14).

Pursuant to Local Rule 55.01,

Motions for entry of default under Fed. R. Civ. P. 55(a) must be accompanied by an unsworn declaration under penalty of perjury under 28 U.S.C. § 1746 verifying, among other things, (i) proof of service; (ii) the opposing party's failure to plead or otherwise defend; (iii) if the opposing party is an individual, that the opposing party is not a minor or incompetent person; and (iv) if the opposing party is an individual, that the opposing party is not in the military service, as required by 50 U.S.C. § 3931(b)(1). Evidence from the

Defense Manpower Data Center, or other reliable source, confirming that the opposing party is not in the military service must be appended to the unsworn declaration.

L.R. 55.01. In support of its Motion, Plaintiff submits the Affidavit of Service (Doc. No. 11 and 14-1), and the Declaration of Melissa Jane Lee (Doc. No. 14-2).

As reflected in the Affidavit of Service and as confirmed by Lee in her Declaration, Defendant was personally served with process on May 26, 2022, (Doc. Nos. 11, 14-1 and 14-2), and has not responded or otherwise defended this action. (Doc. No. 14-2). Further, Lee declares that Defendant is not a minor, incompetent, or an active member of the military. (*Id.* at PageID #63, 64, and 66).

Plaintiff has satisfied its obligations under Rule 55(a) and Local Rule 55.01. “When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.” Fed. R. Civ. P. 55(a). Accordingly, the Plaintiff’s Request Entry of Default against Robert Kevin Jones, (Doc. No. 14), is **GRANTED**.

s/ Lynda M. Hill
Lynda Motes Hill
Clerk of Court